

construed as a means-(or step-) plus-function limitation. See *Signtech USA, Ltd. v. Vutek, Inc.*, 174 F.3d 1352, 1356, 50 USPQ2d 1372, 1374- 75 (Fed. Cir.1999) ("ink delivery means positioned on ." invokes 35 U.S.C. 112, sixth paragraph since the phrase "ink delivery means" is equivalent to "means for ink delivery")

#### Claim Rejection

##### 35 USC 103

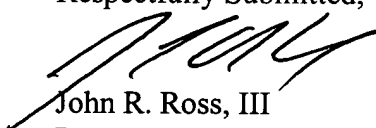
Examiner has stated that Claims 1 – 2 and 32 – 33 are rejected under 35 USC 103(a) as being unpatentable over Roach in view of Little. In response, Applicant submits that Roach is an improper reference. Applicant submits that Roach was filed on 13 December 2000 and was published on June 28, 2001. In comparison Applicant's priority date of 30 October 2000 is prior to both Roach's filing date and publication date. Moreover, Examiner has offered no evidence that material cited in Roach is disclosed in the parent applications (i.e., serial nos. 09/556,897 and 09/109,676).

Examiner has also stated that Claims 6 - 31 and 37 are rejected under 35 USC 103(a) as being unpatentable over Roach in view of a combination of references. In response, Applicant submits that Roach is an improper reference for the reasons stated above.

#### CONCLUSION

Thus, for all the reasons given above, this application, as the claims are presently limited, define a novel, patentable, and truly valuable invention. Hence allowance of the outstanding claims of this application as presently amended is respectfully submitted to be proper and is respectfully solicited.

Respectfully Submitted,



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